

MICHAEL JOSEPH RHINEHART,) No. C 11-0812 JSW (PR)
)
Plaintiff,)
)
v.) **ORDER GRANTING MOTION TO**
) **LIFT STAY; GRANTING LEAVE**
) **TO FILE AN AMENDED**
) **COMPLAINT; INSTRUCTIONS**
) **TO CLERK**
MATTHEW CATE, Director of the)
California Department of Corrections and)
Rehabilitation; A. HEDGPETH, Warden;)
K. HARRINGTON, Warden,)
)
) (Docket Nos. 12, 13)
Defendants.)

Plaintiff has filed a motion for leave to file an amended complaint. In his motion


1 he describes a claim, involving the deprivation of outdoor exercise between May 2010
2 and July 2011, and he states that he would like to “add” the claim. Plaintiff may file an
3 amended complaint, but he may not present his claims in piecemeal fashion. That is to
4 say, any amended complaint must include all of the claims he wishes to present. Leave
5 to file an amended complaint, within **thirty (30) days** from the date this order is filed is
6 GRANTED. The amended complaint must include the caption and civil case number
7 used in this order (Case No. C 11-0812 JSW (PR)) and the words “COURT-ORDERED
8 FIRST AMENDED COMPLAINT” on the first page, and it must be filed on the Court’s
9 form civil rights complaint, a copy of which will be mailed to Plaintiff with this order.

10 Because an amended complaint completely replaces the original complaint, *see*
11 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992), Plaintiff may not incorporate
12 material from the original or amended complaints by reference. He must include all of
13 the claims he wishes to present in the amended complaint; if the claim from his original
14 complaint is not included in the amended complaint, it will be dismissed without further
15 opportunity to raise it. If Plaintiff does not file an amended complaint within the
16 designated time and in accordance with this order, he will not have another opportunity
17 to amend, and this case will proceed based only upon the claim in the original complaint.

18
19 The Clerk shall reopen the file, and mail a copy of the Court’s form civil rights
20 complaint to Plaintiff along with this order.

21 IT IS SO ORDERED.

22 DATED: September 19, 2011

23 
24 JEFFREY S. WHITE
25 United States District Judge
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL JOSEPH RHINEHART,

Plaintiff,

v.

MATTHEW CATE et al,

Defendant.

Case Number: CV11-00812 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 19, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael L. Rhinehart
#:C39412
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

Dated: September 19, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk